

III. Traverse

Applicants respectfully traverse the present restriction requirement as the metals specified in claim 35, namely, technetium (Tc), rhenium (Re), rhodium (Rh), platinum (Pt), iridium (Ir), ruthenium (Ru), and copper (Cu), are metals that can be used in pharmaceutical compositions for diagnostic and/or therapeutic purposes. For example, see US 6,174,513, col. 4, lines 2-9, US 4,732,974, col. 11, lines 48-66, and US 5,922,302, col. 12, lines 11-50.

The Examiner at page 3 of the April 15, 2008 Office action stated that the various species of the Markush group "...do not share a common core structure. For example, the ^{99m}Tc may be used as a radiolabel or Rh may be used as a catalyst; Copper, however, having different physiochemical properties is not interchangeable for Rh or ^{99m}Tc ."

Applicants respectfully submit that each species specified in the Markush group may be used for diagnostic or therapeutic purposes. Copper-62, like ^{99m}Tc , is a gamma emitting radioisotope that can be utilized in radiopharmaceuticals for diagnostic imaging procedures. Rhodium-105 and Copper-67 are beta emitting radiopharmaceuticals that can be utilized for radiotherapeutic procedures.

For the above reasons Applicants submit that the metal species specified in the Markush group of claim 35 belong to an art recognized class of compounds to which the invention pertains and respectfully request withdrawal of the restriction requirement.

The Commissioner is hereby authorized to charge Deposit Account Number 13-1160 for any fee deficiency in connection with this response.

Respectfully submitted,



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